

STATE OF WISCONSIN
Senate Journal
Eighty-Seventh Regular Session

TUESDAY, February 11, 1986

10:00 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The senate stood for the prayer which was offered by Father Gibb Clauder, Chaplain of Madison General Hospital, Madison.

The senate remained standing and Senator Kincaid led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Adelman, Andrea, Chilsen, Chvala, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Lee, Leean, Lorman, McCallum, Moen, Norquist, Otte, Plewa, Risser, Roshell, Rude, Stitt, Strohl, Theno, Ulichny and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 14

Relating to creating a special senate committee to investigate the recent budget deficit and to make recommendations to the senate.

By Senators Stitt, Engeleiter, Davis, Ellis, Hanaway, Chilsen, Leean and Lasee.

Read and referred to joint committee on Finance.

Senator Stitt raised the point of order that **Senate Resolution 14** was a privileged resolution.

The chair took the point of order under advisement.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 527

Relating to exceptions to the fair employment law in connection with programs for minors which require certain religious beliefs concerning marital status or sexual orientation.

By Senators Leean, Van Sistine, Roshell, Hanaway, Lorman, Ellis, McCallum, Chilsen, Otte and Stitt; cosponsored by Representatives Wood, Looby, Swoboda, Prosser, Buettner, Radtke, Gronemus,

Tregoning, Merkt, Byers, Turba, Matty, Schmidt, Huelsman and Welch.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 528

Relating to changing the biennial state budget process to an annual budget process.

By Senators Hanaway, Engeleiter, Kreul, Rude, Lasee and Lorman; cosponsored by Representatives Wineke, Nelsen, Holperin, Zeuske, Hubler, Foti, Schober, Merkt and Schmidt.

To joint committee on Finance.

Senate Bill 529

Relating to the liability of insurers under void motor vehicle insurance policies.

By Senator Plewa.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 530

Relating to exemption from registration of offers and sales of common stock to employes or members of the community or both of a business that would otherwise cease operations.

By Senators Ulichny, Van Sistine, Davis, Leean, Lorman and Roshell; cosponsored by Representatives Grobschmidt, Radtke, Williams, Holperin, Rosenzweig and Fergus.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

Senate Bill 531

Relating to preference for Wisconsin businesses in the award of state orders and contracts.

By Senators Cullen, Kreul, Roshell, Lorman and Kincaid; cosponsored by Representatives Grobschmidt, Goetsch, Barrett, Nelsen, Loftus, Vergeront, Porter and Plizka.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 532

Relating to revisions to laws governing control share acquisitions, business combinations and take overs.

By Senators Kincaid, Ulichny, Cullen, Chilsen and Feingold; cosponsored by Representatives Magnuson, Williams and Fergus.

To committee on Tourism, Revenue, Financial Institutions and Forestry.

Senate Bill 533

Relating to hearings on appeals of initial determinations under the unemployment compensation law.

By Senators Davis, Lorman and Engeleiter; cosponsored by Representatives Zeuske, Buettner, Rosenzweig, Cowles, Ladwig, Weeden, Vergeront, Schober, T. Thompson and Schneiders.

To committee on Labor, Business, Veterans Affairs and Insurance.

Senate Bill 534

An act to repeal various provisions of session laws for the purpose of eliminating unnecessary and obsolete provisions regarding courts.

By committee on Law Revision.

To committee on Judiciary and Consumer Affairs.

Senate Bill 535

Relating to allowing towns to use tax incremental financing.

By Senators Andrea, Ulichny, Roshell, Leraan, Davis and Engeleiter; cosponsored by Representatives Gronemus, Antaramian, Shoemaker, Coleman, Porter, Lepak, Musser, Plizka, Johnsrud, Carpenter, Bolle, Schneiders, Matty and Krug.

To committee on Economic Development.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 306

Relating to formation of a limited partnership.

Concurrence:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Hanaway and Lorman;

Noes, 0 -- None.

Senate Bill 132

Relating to small claims eviction actions.

Passage:

Ayes, 4 -- Senators Adelman, Feingold, Chvala and Lorman;

Noes, 1 -- Senator Hanaway.

Senate Bill 431

Relating to searches of mobile homes and motor homes.

Passage:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Hanaway and Lorman;

Noes, 0 -- None.

Senate Bill 446

Relating to penalties for certain alcohol beverages violations.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Hanaway and Lorman;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Hanaway and Lorman;

Noes, 0 -- None.

Senate Bill 432

Relating to requiring the department of revenue to reveal the total income taxes withheld, and sales and use taxes collected, by local units of government and this state.

Introduction and adoption of senate substitute amendment 1:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Hanaway and Lorman;

Noes, 0 -- None.

Passage as amended:

Ayes, 5 -- Senators Adelman, Feingold, Chvala, Hanaway and Lorman;

Noes, 0 -- None.

LYNN ADELMAN
Chair

PETITIONS AND COMMUNICATIONS

Senate Petition 23

A petition by 126 residents of the state of Wisconsin requesting a complete review of the system of property taxes being the major source of revenue to fund public education, in an effort to aid farmers.

By Senator Harsdorf; cosponsored by Representative Paulson.

Read and referred to committee on Tourism, Revenue, Financial Institutions and Forestry.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 85-153

AN ORDER to repeal and recreate NR 20.02 (1) (d), relating to trout and salmon sport fishing on the Great Lakes and Green Bay.

Submitted by Department of Natural Resources.

Report received from agency, February 7, 1986.

Referred to committee on Energy and Environmental Resources, February 11, 1986.

Clearinghouse Rule 85-163

AN ORDER to amend RL 4.03 (2) (intro.); and to repeal and recreate RL 4.04 (1) and (2), relating to examination and refund fees.

Submitted by Department of Regulation and Licensing.

Report received from agency, February 10, 1986.

Referred to committee on Education and Government Operations, February 11, 1986.

Clearinghouse Rule 85-170

AN ORDER to amend VE 2.03, relating to educational qualifications.

Submitted by Department of Regulation and Licensing.

Report received from agency, February 10, 1986.

Referred to committee on Agriculture, Health and Human Services, February 11, 1986.

Clearinghouse Rule 85-172

AN ORDER to amend Chir 2.02 (4), relating to examination requirements.

Submitted by Department of Regulation and Licensing.

Report received from agency, February 10, 1986.

Referred to committee on Agriculture, Health and Human Services, February 11, 1986.

Clearinghouse Rule 85-175

AN ORDER to create ETF 10.01 (1m), relating to converting accumulated unused sick leave to credits for payment of premiums for health insurance plans administered by the department of employe trust funds.

Submitted by Department of Employee Trust Funds.

Report received from agency, February 6, 1986.

Referred to committee on Education and Government Operations, February 11, 1986.

CALENDAR OF FEBRUARY 11

Assembly Bill 138

Relating to decertification of law enforcement and jail officers.

Read.

The question was: Shall the senate adhere to its position?

The motion prevailed.

By request of Senator Chvala, with unanimous consent, he requested a Committee of Conference of **Assembly Bill 138**.

Senate Bill 304

Relating to crimes against animals and providing a penalty.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 304

Read a third time and passed.

Senate Bill 357

Relating to various changes in the statutes pertaining to the veterinary examining board and the licensure of veterinarians and animal technicians and granting rule-making authority.

Read a second time.

The question was: Adoption of senate amendment 1?

Adopted.

The question was: Adoption of senate amendment 2?
Adopted.

Senate amendment 3 offered by Senator Moen.

The question was: Adoption of senate amendment 3?
Adopted.

Senate amendment 4 offered by Senators Otte and Norquist.

The question was: Adoption of senate amendment 4?
Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 357

Read a third time and passed.

Senate Bill 364

Relating to creating the uniform fraudulent transfer act.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 364

Read a third time and passed.

Senate Bill 365

Relating to creating the uniform transfers to minors act.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 365

Read a third time and passed.

Senate Bill 393

Relating to recorded conversations.

Read a second time.

Senate amendment 1 offered by Senator Chvala.

The question was: Adoption of senate amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 393

Read a third time and passed.

Senate Bill 419

Relating to forfeiture of vehicles used in connection with a felony and default judgments.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 419

Read a third time and passed.

Senate Bill 420

Relating to providing a penalty for fraudulent drug advertising.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 420

Read a third time and passed.

Senate Bill 429

Relating to abuse of vulnerable adults and providing a penalty.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 429

Read a third time and passed.

Senate Bill 430

Relating to hours during which bars may remain open.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Senate amendment 1 to senate substitute amendment 1 offered by Senators Kincaid and Kreul.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator George asked unanimous consent that **Senate Bill 430** be referred to joint committee on Finance.

Senator Engeleiter objected.

Senator George moved that **Senate Bill 430** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 430** be referred to joint committee on Finance?

The motion prevailed.

Senate Bill 437

Relating to the information on equalized values that the department of revenue is required to provide.

Read a second time.

By request of Senator George, with unanimous consent, **Senate Bill 437** was referred to joint committee on Finance.

Senate Bill 445

Relating to indigency determinations under the state public defender system.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 445

Read a third time and passed.

Senate Bill 456

Relating to transporting logs.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 456

Read a third time and passed.

Assembly Bill 15

Relating to agricultural and vegetable seeds and imposing a penalty.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 15

Read a third time and concurred in.

Assembly Bill 71

Relating to damages in wrongful death actions.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 71

Read a third time and concurred in.

Assembly Bill 84

Relating to minority group representation in election districts and the method of selection of the board of school directors in 1st class cities.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Engeleiter, with unanimous consent, **Assembly Bill 84** was placed at the foot of the calendar.

Assembly Bill 116

Relating to exempting certain projects from the agricultural impact statement requirements.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 116

Read a third time and concurred in.

Assembly Bill 252

Relating to natural death and providing a penalty.

Read a second time.

By request of Senator Kreul, with unanimous consent, the senate recessed until 11:27 A.M.

10:44 A.M.

RECESS

11:27 A.M.

The senate reconvened.

The question was: Adoption of senate amendment 1? Adopted.

The question was: Adoption of senate amendment 2?

Senator Harsdorf moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Ellis, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, McCallum, Moen, Otte, Plewa, Roshell, Rude, Stitt, Theno and Van Sistine -- 19.

Noes -- Senators Adelman, Chvala, Cullen, Czarnecki, Davis, Engeleiter, Feingold, Lee, Leman, Lorman, Norquist, Risser, Strohl and Ulichny -- 14.

Absent or not voting -- None.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 252

Read a third time and concurred in as amended.

Assembly Bill 303

Relating to technical and minor policy changes in respect to the income and franchise taxes.

Read a second time.

By request of Senator George, with unanimous consent, Assembly Bill 303 was referred to joint committee on Finance.

Assembly Bill 304

Relating to technical and minor policy items in regard to the sales and use taxes.

Read a second time.

By request of Senator George, with unanimous consent, Assembly Bill 304 was referred to joint committee on Finance.

Assembly Bill 432

Relating to allowing certain semitrailers to be operated without a permit.

Read a second time.

By request of Senator George, with unanimous consent, Assembly Bill 432 was referred to joint committee on Finance.

Assembly Bill 439

Relating to permits to capture or destroy deer causing damage to land.

Read a second time.

The question was: Shall the bill be non-concurred in?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, George, Lee, Norquist, Plewa, Risser, Strohl, Theno and Ulichny -- 15.

Noes -- Senators Andrea, Chilsen, Feingold, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leman, Lorman, McCallum, Moen, Otte, Roshell, Rude, Stitt and Van Sistine -- 18.

Absent or not voting -- None.

So the bill failed to be non-concurred in.

Senate substitute amendment 1 offered by Senators Plewa and Strohl.

The question was: Adoption of senate substitute amendment 1?

Senator Lasee moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes -- Senators Andrea, Chilsen, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Leman, Lorman, McCallum, Moen, Otte, Roshell, Rude, Stitt and Van Sistine -- 20.

Noes -- Senators Adelman, Chvala, Cullen, Czarnecki, Davis, George, Norquist, Plewa, Risser, Strohl, Theno and Ulichny -- 12.

Absent or not voting -- Senator Lee -- 1.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 439

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Andrea, Chilsen, Feingold, George, Hanaway, Harsdorf, Helbach, Kincaid, Kreul, Lasee, Llean, Lorman, McCallum, Moen, Otte, Roshell, Rude, Stitt and Van Sistine -- 19.

Noes -- Senators Adelman, Chvala, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Lee, Norquist, Plewa, Risser, Strohl, Theno and Ulichny -- 14.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 84

Relating to minority group representation in election districts and the method of selection of the board of school directors in 1st class cities.

Read a second time.

By request of Senator George, with unanimous consent, **Assembly Bill 84** was referred to committee on Senate Organization.

MOTIONS

Senator Engeleiter moved reconsideration of the vote by which **Assembly Bill 71** was concurred in.

The question was: Reconsideration of the vote by which **Assembly Bill 71** was concurred in?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Harsdorf, Kreul, Lasee, Llean, McCallum, Roshell, Rude, Stitt, Strohl and Van Sistine -- 14.

Noes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Hanaway, Helbach, Kincaid, Lee, Lorman, Moen, Norquist, Otte, Plewa, Risser and Ulichny -- 18.

Absent or not voting -- Senator Theno -- 1.

So the motion did not prevail.

Senator Stitt asked unanimous consent that **Senate Resolution 14** be withdrawn from joint committee on Finance and taken up at this time.

The chair appointed Senators Adelman, Chvala and Hanaway as conferees to the Committee of Conference on **Assembly Bill 138**.

The question was: Confirmation of the conferees?
Confirmed.

RULING OF THE CHAIR

Earlier today **Senate Resolution 14** was introduced and referred to the joint committee on Finance. Senator Stitt of the 20th District raised the point of order that the resolution was privileged, should be read at length by the Clerk and should be taken up immediately. The chair took the point of order under advisement.

Senate Rules 34 and 45 require the reading at length if resolutions are considered privileged under **Rule 69** and taken up immediately. The chair has ruled in the past that privileged resolutions may be referred to committee. However, in this situation the chair not only referred the resolution to committee, but is of the opinion that the resolution is not privileged, and does not need to be read at length.

Therefore, the point of order raised by the Senator of the 20th, Senator Stitt, is not well taken.

the 20th, Senator Stitt, that **Senate Resolution 14** was a privileged resolution was not well taken.

Senator Stitt asked unanimous consent that the rules be suspended and **Senate Resolution 14** be withdrawn from joint committee on Finance and taken up at this time.

Senator Cullen objected.

Senator Stitt moved that the rules be suspended and **Senate Resolution 14** be withdrawn from joint committee on Finance and taken up at this time.

The question was: Shall the rules be suspended and **Senate Resolution 14** be withdrawn from joint committee on Finance and taken up at this time?

By request of Senator George, with unanimous consent, the rules were suspended and **Senate Resolution 14** was withdrawn from joint committee on Finance and taken up at this time.

Senate Resolution 14

Relating to creating a special senate committee to investigate the recent budget deficit and to make recommendations to the senate.

Read.

The question was: Adoption of **Senate Resolution 14**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Kreul, Lasee, Llean, Lorman, McCallum, Rude and Stitt -- 13.

Noes -- Senators Adelman, Andrea, Chvala, Cullen, Czarnecki, Feingold, George, Helbach, Kincaid, Lee, Moen, Norquist, Otte, Plewa, Risser, Roshell, Strohl, Ulichny and Van Sistine -- 19.

Absent or not voting -- Senator Theno -- 1.

So the resolution failed to be adopted.

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By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Helbach, with unanimous consent, the senate adjourned in honor of his grandmother, Helen Turzinski, 96, who passed away last week. She was the mother of 9 children, grandmother of 54, great-grandmother of 96 and great, great grandmother of 10.

By request of Senator Chvala, with unanimous consent, the senate adjourned in honor of Ed Tipple who recently passed away.

AMENDMENTS OFFERED

Senate amendment 2 to **Assembly Bill 303** by Senator Rude.

Upon motion of Senator Cullen the senate adjourned until 10:00 A.M. Thursday, February 13.

1:07 P.M.